

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

VENTANA MEDICAL SYSTEMS, INC.,

Plaintiff,

v.

VISION BIOSYSTEMS, INC.,

Defendant.

CIVIL ACTION NO. 05-CV-10614-GAO

STIPULATION AND PROPOSED ORDER

WHEREAS, plaintiff Ventana Medical Systems, Inc. has moved for a preliminary injunction in this matter;

WHEREAS, the parties have agreed to a discovery and briefing schedule with respect to plaintiff's motion;

IT IS HEREBY STIPULATED by the parties to this action, subject to the order of the Court, as follows:

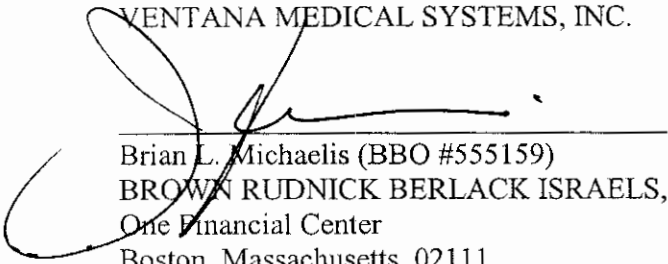
1. The parties may seek discovery relevant to the motion for a preliminary injunction, subject to the following conditions.
2. Written responses to each party's first set of discovery requests shall not be due until 30 days after service of such requests or August 10, 2005, whichever is later. Requested documents shall be provided within 30 days after service of such requests or August 10, 2005, whichever is later.
3. Depositions and instrument inspections, if appropriate, shall take place in during the following periods. By defendant: August 10, 2005 to August 31, 2005. By plaintiff:

September 14, 2005 to October 5, 2005. Both parties shall cooperate to allow completion of expedited discovery within these time frames, including making witnesses available promptly.

4. Defendant's opposition brief and evidence in support of the opposition brief shall be filed, and served electronically, by September 13, 2005. Plaintiff's reply brief and evidence in support of the reply brief shall be filed, and served electronically, by October 18, 2005.

5. This stipulation and the modification of dates herein shall not be used by any party to assert the lack of diligence or delay by any party.

VENTANA MEDICAL SYSTEMS, INC.

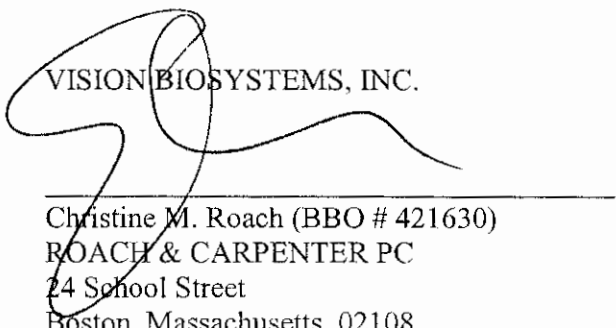


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ORDER

Based on the foregoing stipulation, IT IS SO ORDERED.

Dated: _____

HON. GEORGE A. O'TOOLE
UNITED STATES DISTRICT JUDGE